

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 MITCHELL KEITH GOODRUM,

4 Plaintiff

5 v.

6 STATE OF NEVADA, et al.,

7 Defendants

Case No.: 3:22-cv-00202-ART-CSD

**Report & Recommendation of
United States Magistrate Judge**

Re: ECF No. 5

8 This Report and Recommendation is made to the Honorable Anne R. Traum, United
9 States District Judge. The action was referred to the undersigned Magistrate Judge pursuant to 28
10 U.S.C. § 636(b)(1)(B) and the Local Rules of Practice, LR 1B 1-4.

11 Plaintiff is an inmate within the Nevada Department of Corrections (NDOC). He initiated
12 this action by filing a motion to move this case from the Tenth Judicial District to the U.S.
13 District Court. (ECF No. 1-1.) Plaintiff subsequently filed a motion for leave to amend along
14 with a proposed amended civil rights complaint. (ECF Nos. 3, 3-1.)

15 Plaintiff's filing was not accompanied by an application to proceed *in forma pauperis*
16 (IFP) with the required financial certificate for an inmate or the filing fee. On May 9, 2022, the
17 court issued an order directing Plaintiff to submit an IFP application or pay the filing fee within
18 30 days, and cautioned him a failure to do so would result in dismissal of his action without
19 prejudice. (ECF No. 4.)

20 On June 7, 2022, Plaintiff filed a motion seeking to withdraw his complaint with
21 prejudice. Plaintiff's motion should be granted, and this case should be dismissed with prejudice.
22
23

RECOMMENDATION

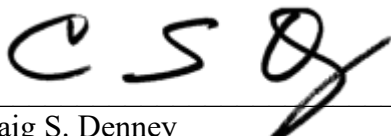
IT IS HEREBY RECOMMENDED that the District Judge enter an order: **GRANTING** Plaintiff's motion (ECF No. 5); **DISMISSING** this case **WITH PREJUDICE**; and **DENYING AS MOOT** Plaintiff's motion for leave to amend (ECF No. 3).

Plaintiff should be aware of the following:

1. That he may file, pursuant to 28 U.S.C. § 636(b)(1)(C), specific written objections to this Report and Recommendation within fourteen days of being served with a copy of the Report and Recommendation. These objections should be titled "Objections to Magistrate Judge's Report and Recommendation" and should be accompanied by points and authorities for consideration by the district judge.

2. That this Report and Recommendation is not an appealable order and that any notice of appeal pursuant to Rule 4(a)(1) of the Federal Rules of Appellate Procedure should not be filed until entry of judgment by the district court.

Dated: June 8, 2022


Craig S. Denney
United States Magistrate Judge